

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

HENRY JAMES HOLST,

Defendant.

Case No. CR06-5717 FDB

ORDER ON DEFENDANT'S
REQUEST FOR NOTICE OF
EVIDENCE OF OTHER CRIMES,
WRONGS, AND BAD ACTS AND
MOTION FOR DISCLOSURE OF
IMPEACHING INFORMATION

This matter comes before the Court on Defendant Henry James Holst's request pursuant to Rule 404(b) of disclosure of any evidence of other crimes, wrong or acts the United States intends to introduce at trial. Defendant also moves for disclosure of any information bearing upon the credibility of the prospective witnesses to be called to testify for the United States.

The United States responds that it is fully aware of its obligations to disclose Rule 404(b) evidence and its ongoing obligations to disclose exculpatory information. In Brady V. Maryland, 373 U.S. 83, 86 (1963), the Supreme Court recognized a prosecutor's obligation to reveal exculpatory evidence, whether substantive or for impeachment purposes, when such evidence is

1 “material” to the defense and in possession of the government. See also Giglio v. United States, 405
2 U.S. 150,154-55 (1972)(disclosure of impeachment information).

3 The United States indicates it will provided Rule 404(b) evidence on or by the date set for
4 pretrial conference, i.e., May 4, 2007. Concerning its obligations under Brady, Giglio, and the
5 Jencks Act, the United States indicates it has provided and will continue to provide these materials as
6 it is discovered and as they become due. All Jencks material will be disclosed on or before the day of
7 pretrial conference.


8 The Court is in agreement with the procedures outlined in the government’s response.
9 Further, any additional disputes concerning disclosures should be addressed in a discovery
10 conference. See Local Rule CrR 16.

11 ACCORDINGLY;

12 IT IS ORDERED:

- 13 (1) Defendant’s Request for Pretrial Notice of Other Crimes, Wrongs, and Bad Acts [Dkt
14 #22] is **DENIED**. The United States is meeting its obligations in regards to Rule
15 404(b).
- 16 (2) Defendant’s Motion for Disclosure of Impeaching Information [Dkt. # 22] is
17 **DENIED**. The United States is complying with its obligations in this regard.
- 18 (3) The parties shall engage in discovery conference prior to filing any further discovery
19 motions.

20 DATED this 2nd day of April, 2007.

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24 FRANKLIN D. BURGESS
25 UNITED STATES DISTRICT JUDGE
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